

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

MICHAEL MERRIWEATHER,)
Plaintiff,)
v.) No. 1:22-cv-00315-JMS-TAB
MORGAN,)
PERRY,)
UNKNOWN JOHN DOE'S AND JANE DOE'S,)
Defendants.)

Order Directing Entry of Final Judgment

This action is dismissed for failure to state a claim. The Order of May 3, 2022, dismissed the operative complaint pursuant to 28 U.S.C. § 1915A(b). Dkt. 16. The plaintiff, Michael Merriweather, was given an opportunity to amend his complaint, but his amended complaint raises the same allegations as raised in the original complaint, along with new allegations of retaliation that likewise fail to state a claim against the named defendants.

Mr. Merriweather's original complaint alleged that the defendants are employees of Hendricks County Jail, where he was a pretrial detainee in early 2021. Both his original complaint and his amended complaint allege that on March 18, 2021, Mr. Merriweather awoke disoriented and confused. He noticed that his tablet was not where he left it. He believes he was poisoned while he slept. He asked an unknown officer if someone had been in his cell, but the officer ignored him and then whispered to another officer, "he knows." He asked several officers to check security footage and could see them react dramatically to whatever they saw on the video. When he asked to see the footage himself, Captain Morgan reluctantly showed him still photos. Although she

flipped through them quickly, Mr. Merriweather was able to identify C.O. Perry in the photos. Mr. Merriweather does not allege what defendant Perry appeared to be doing in the photos.

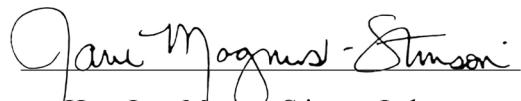
In addition, Mr. Merriweather's amended complaint alleges that the defendants began harassing him after they found out he was bringing this lawsuit. He claims that officers turn off the hot water when he showers, try to overhear his phone conversations, and tamper with his legal mail. But the Indiana Department of Correction website reveals that Mr. Merriweather was sentenced in Hendricks County on September 20, 2021.¹ He is currently incarcerated at Miami Correctional Facility and was incarcerated there when he initiated this lawsuit on February 4, 2022. This timeline makes it impossible for officers at Hendricks County Jail to have retaliated against Mr. Merriweather after he brought this suit.

Therefore, this action is properly dismissed for failure to state a claim upon which relief can be granted. 28 U.S.C. § 1915A(b). Judgment dismissing this action shall now issue.

Mr. Merriweather's motion for testing, dkt. [17], is **denied as moot**.

IT IS SO ORDERED.

Date: 6/13/2022



Hon. Jane Magnus-Stinson, Judge
United States District Court
Southern District of Indiana

¹ Available online at <https://www.in.gov/apps/indcorrection/ofs/ofs>, last visited June 10, 2022.

Distribution:

MICHAEL MERRIWEATHER
172642
MIAMI - CF
MIAMI CORRECTIONAL FACILITY
Inmate Mail/Parcels
3038 West 850 South
Bunker Hill, IN 46914-9810